

## Message Text

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14-11

ACTION L-02

INFO OCT-01 AF-06 EA-06 IO-10 ISO-00 DPW-01 ACDA-05 ARA-06

EUR-12 NEA-09 CIAE-00 DODE-00 PM-03 H-01 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 SCS-03

SCA-01 OIC-02 /105 W

----- 099597

R 281629Z FEB 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 1051

AMEMBASSY LAGOS

INFO AMEMBASSY SAIGON

AMEMBASSY VIENTIANE

USMISSION USUN NY

USDEL FPJMT SAIGON

CMDR JCRC THAILAND

SECDEF

CINCPAC

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E.O. 11652: N/A

TAGS: ICRC, PFOR, MOPS

SUBJECT: MISSING IN ACTION AT LAWS OF WAR CONFERENCE

REF: GENEVA 0963 (NOTAL)

1. WORKING GROUP ON PROPOSED NEW ARTICLES ON MISSING AND DEAD IN ARMED CONFLICTS FOR PROTOCOL TO 1949 GENEVA CONVENTIONS HAS COMPLETED WORK ON REVISED TEXT, WHICH WILL BE CONSIDERED MARCH 6-7 IN PLENARY SESSION OF COMMITTEE II OF LAWS OF WAR CONFERENCE.

2. WORKING GROUP WAS CHAIRED BY COL. P. MARTINS (NIGERIA), WITH SIEVERTS (STATE, D/PW) AS RAPPORTEUR. DISCUSSION IN WORKING GROUP WAS LIMITED OFFICIAL USE

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PLEASANTLY FREE OF POLEMICS, DESPITE FACT THAT

MTGS WERE REGULARLY ATTENDED BY REPS OF ISRAEL AND EGYPT, EAST AND WEST GERMANY, AND OTHER POTENTIAL SOURCES OF CONTENTION. AGREED TEXT INCLUDES WORDING CHANGES BUT FEW CHANGES OF SUBSTANCE FROM ORIGINAL PROPOSAL SPONSORED BY U.S., U.K. AND FRG.

3. FOR LAGOS: SUGGEST YOU FIND OCCASION TO EXPRESS APPRECIATION INFORMALLY TO DEFENSE MINISTRY FOR EXCELLENT WORK BY COL. MARTINS AS CHAIRMAN OF THIS WORKING GROUP. MARTINS DEMONSTRATED INTELLIGENCE, TACT, AND LEADERSHIP IN GUIDING THIS OFTEN COMPLEX SUBJECT TO SUCCESSFUL CONCLUSION. ASIDE FROM HIS RESPONSIBILITIES AT THIS CONFERENCE, WE UNDERSTAND HE SERVES AS CHAPLAIN OF NIGERIAN ARMED FORCES.

4. FOLLOWING IS REVISED TEXT. BEGIN TEXT:

I. INFORMATION ON THE MISSING AND DEAD

1. EACH PARTY TO THE CONFLICT SHALL RECORD INFORMATION ON PERSONS WHO HAVE BEEN CAPTURED OR OTHERWISE DETAINED BY IT AS A RESULT OF HOSTILITIES OR OCCUPATION, OR WHO DIE DURING SUCH DETENTION, AND IN RESPECT OF WHOM NO PROVISION IN THIS REGARD IS MADE IN THE CONVENTIONS. SUCH INFORMATION SHALL INCLUDE AS A MINIMUM THE FULL NAME AND AGE OR DATE OF BIRTH, AND THE DATE AND PLACE OF CAPTURE OR DETENTION. ADDITIONAL INFORMATION, SUCH AS NAMES OF CLOSE RELATIVES, PLACE OF BIRTH AND RESIDENCE, AND SERVICE OR PRISONER NUMBER, SHALL ALSO BE RECORDED IF AVAILABLE.

2. EACH PARTY TO THE CONFLICT SHALL FACILITATE AND, IF NEED BE, CARRY OUT, THE SEARCH FOR AND THE RECORDING OF INFORMATION ON:

(A) PERSONS WHO HAVE DIED AS A RESULT OF HOSTILITIES OR OCCUPATION. RECORDS SHALL BE KEPT OF THE DATE, PLACE AND CAUSE OF DEATH, AND OF THE LOCATION AND MARKING OF THEIR GRAVES.  
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(B) PERSONS WHO HAVE BEEN REPORTED BY ANOTHER PARTY AS MISSING. THIS ACTION SHALL BE UNDERTAKEN AS SOON AS CIRCUMSTANCES PERMIT AND AT THE LATEST FROM THE END OF ACTIVE HOSTILITIES. THE OTHER PARTIES SHALL PROVIDE NAMES AND OTHER INFORMATION ON SUCH PERSONS TO FACILITATE SUCH SEARCHES.

3. INFORMATION OBTAINED OR RECORDED PURSUANT TO THIS SECTION SHALL BE TRANSMITTED PROMPTLY TO THE HOME COUNTRY OF SUCH PERSONS, EITHER DIRECTLY OR THROUGH THE PROTECTING POWER OR A SUBSTITUTE THEREFOR, THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND ITS CENTRAL TRACING AGENCY, A NATIONAL RED CROSS (RED CRESCENT, RED LION AND SUN) SOCIETY, OR ANOTHER IMPARTIAL HUMANITARIAN ORGANIZATION. WHERE THE INFORMATION IS NOT TRANSMITTED THROUGH THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND ITS CENTRAL TRACING AGENCY, EACH PARTY TO THE CONFLICT SHALL ENSURE THAT SUCH INFORMATION IS SUPPLIED TO THE CENTRAL TRACING AGENCY.

4. (A) THE PARTIES TO THE CONFLICT SHALL ENDEAVOUR TO AGREE ON ARRANGEMENTS FOR BURIAL TEAMS TO SEARCH FOR AND RECOVER THE DEAD FROM BATTLEFIELD AREAS. UNLESS OTHERWISE AGREED, SUCH TEAMS SHALL BE ACCOMPANIED BY PERSONNEL OF THE OTHER PARTY WHILE CARRYING OUT THESE MISSIONS. PERSONNEL OF SUCH TEAMS SHALL BE RESPECTED AND PROTECTED IN ALL CIRCUMSTANCES WHILE EXCLUSIVELY CARRYING OUT THESE DUTIES IN AREAS HELD BY EITHER PARTY.

(B) PERSONNEL OF INTERNATIONAL HUMANITARIAN ORGANIZATIONS MAY ALSO ASSIST IN CARRYING OUT THESE MISSIONS.

5. TO FACILITATE THE IMPLEMENTATION OF THIS SECTION, EACH HIGH CONTRACTING PARTY SHALL ENDEAVOUR TO MAKE MEANS OF IDENTIFICATION AVAILABLE TO ITS NATIONALS WHO MAY BE IN AN AREA OF ARMED CONFLICT AND WHO HAVE NOT BEEN ISSUED WITH AN IDENTITY CARD LIMITED OFFICIAL USE

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PROVIDED FOR UNDER THE CONVENTIONS.

## II. GRAVES

6. AT ALL TIMES, AND BOTH BEFORE AND AFTER THE END OF HOSTILITIES, GRAVES OF PERSONS WHO HAVE DIED AS A RESULT OF HOSTILITIES OR OCCUPATION OR IN DETENTION RESULTING THEREFROM SHALL BE RESPECTED AND SHALL BE PROTECTED AND MAINTAINED AGAINST DAMAGE AND IMPROPER DISTURBANCE. INTERMENT SHOULD BE CARRIED OUT INDIVIDUALLY AS FAR AS CIRCUMSTANCES PERMIT. CARE SHOULD BE TAKEN TO ENSURE THAT AVAILABLE INFORMATION ON THE IDENTITY OF THE DECEASED PERSON IS PRESERVED.

7. AS SOON AS CIRCUMSTANCES PERMIT, AND AT THE LATEST FROM THE END OF ACTIVE HOSTILITIES, THE HIGH CONTRACTING PARTIES IN WHOSE TERRITORIES SUCH GRAVES ARE SITUATED SHALL:

(A) PERMIT ACCESS TO SUCH GRAVES BY REPRESENTATIVES OF THE OFFICIAL GRAVES REGISTRATION SERVICES OF THE HOME COUNTRIES OF THE DECEASED AND BY REPRESENTATIVES OF INTERNATIONAL HUMANITARIAN ORGANIZATIONS. ACCESS TO GRAVES BY RELATIVES OF SUCH DECEASED SHALL ALSO BE PERMITTED AND FACILITATED AS SOON AS CIRCUMSTANCES PERMIT.

(B) ENDEAVOUR TO AGREE ON ARRANGEMENTS WITH SUCH HOME COUNTRIES FOR THE PERMANENT PROTECTION AND MAINTENANCE OF SUCH GRAVES.

(C) UPON REQUEST, FACILITATE THE RETURN OF THE REMAINS OF SUCH DECEASED, UNLESS THIS IS OBJECTED TO BY THE HOME COUNTRY OF SUCH DECEASED. THE RETURN OF PERSONAL EFFECTS OF SUCH DECEASED SHALL ALSO BE FACILITATED.

8. IN THE ABSENCE OF ARRANGEMENTS AS PROPOSED IN ARTICLE 7 (B) OF THIS SECTION, AND WHERE THE HIGH CONTRACTING PARTY IN WHOSE TERRITORY THE GRAVES LIMITED OFFICIAL USE

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DESCRIBED IN THIS SECTION ARE SITUATED HAS OFFERED TO FACILITATE THE RETURN TO THE HOME COUNTRY OF THE REMAINS OF SUCH DECEASED, AND WHERE SUCH OFFER HAS NOT BEEN ACCEPTED, THE HIGH CONTRACTING PARTY, AFTER 5 YEARS FROM THE DATE OF THIS OFFER AND UPON DUE NOTICE TO THE HOME COUNTRY, MAY ADOPT THE ARRANGEMENTS LAID DOWN IN ITS OWN LAWS ON CEMETERIES AND GRAVES.

### III. OTHER PROVISIONS

9. IN THIS SECTION, "GRAVES" INCLUDES OTHER POSITIONS OF THE REMAINS OF DECEASED PERSONS.

10. THE PROVISIONS OF THIS SECTION ARE SUPPLEMENTARY TO THE EXISTING OBLIGATIONS CONTAINED IN THE CONVENTIONS WITH REGARD TO THE MISSING AND THE DEAD, AND WITH REGARD TO GRAVES. DALE

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## Message Attributes

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**Concepts:** LAW OF WAR, COMMITTEE MEETINGS, COMBAT OPERATIONS  
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**Copy:** SINGLE  
**Draft Date:** 28 FEB 1975  
**Decaption Date:** 01 JAN 1960  
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